

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO. 7:08-CV-176
§
9.19 ACRES OF LAND, MORE OR §
LESS, SITUATE IN STARR COUNTY, §
STATE OF TEXAS; AND JUSTO §
DE LA O, ET AL., §
§
Defendants. §

**UNITED STATES' RESPONSE TO THE DISTRICT COURT'S ORDER FOR A CASE
STATUS UPDATE**

COMES NOW the United States of America (hereinafter “United States”), and in response to the District Court’s October 17, 2018, Order to inform the Court on the status of the case.

The United States initiated this proceeding with the filing of a declaration of taking and complaint on June 21, 2008. [Doc. Nos. 1 & 2]. The United States deposited estimated just compensation of \$20,900 into the registry of the Court on June 25, 2008, and the deposit caused title to certain interests in real property to vest in the United States by operation of the Declaration of Taking Act, 40 U.S.C. § 3114.

The taking originally included both (a) fee near the shoreline of the Rio Grande (shown below in yellow), (b) a temporary work area easement (in red), and (c) a permanent road easement (in purple). [Doc. No. 2-2] (see map below).



Counsel for the United States met with the owner of the parent tract, and the owner requested that the United States move the perpetual road easement to a location closer to the northern and western property lines. Additionally, the United States determined that it would be beneficial to acquire a boat ramp between the fee taking and the shoreline. Based on these considerations, the United States then intended to revise the takings as follows:

[remainder of page intentionally left blank]



Since that time, the United States has determined that it may need to take additional interests in real property from the landowner. If the United States does so, the United States' takings may constitute a significant portion of the original parent tract.

The landowner has requested that the United States consider purchasing the entire parent tract, given the amount of interests that the United States intends to take. Although the United States does not ordinarily purchase entire parent tracts, it is considering doing so in this case due to the unusual facts. The United States has informed the landowner that it needs to enter onto the

property to conduct surveys before it can make a decision about purchasing the entire tract, and the landowner has executed a Right of Entry to permit the United States to survey the property.

Based on the United States interactions to date with the landowner, the United States expects to be able to present the Court with an agreement after it is able to conduct the necessary surveys.

Dated: November 9, 2018.

Respectfully submitted,

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Certificate of Service

The undersigned certifies that he served the foregoing Status Report on the parties remaining in this case on November 9, 2018, by first-class U.S. mail, postage prepaid.

s/ Richard A. Kincheloe _____

Richard A. Kincheloe
Assistant United States Attorney